

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	3:22-cr-00054-LRH-CLB
)	
vs.)	MINUTES OF COURT
)	
GELASIO JOHNSON GUERRERO,)	September 19, 2023
)	
Defendant.)	
	/	

PROCEEDINGS: Jury Trial (Day One)

PRESENT:

THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Donna Prather

Counsel for Plaintiff: Andrew Keenan, AUSA and Penelope Brady, AUSA

Counsel for Defendant: Allie Wilson, APFD and Chris Frey, APFD

At 8:40 a.m., the Court convenes.

The Defendant (in custody with leg restraints and street clothing) is present with counsel. Christian Filipiak, APFD Investigator, is also present at counsel table.

The Government's counsel are present with Erik Anderson, Agent, Federal Bureau of Investigation.

The Court addresses the Prisoner Restraint Request provided by the United States Marshals Service. Ms. Wilson and Mr. Keenan present argument. **IT IS ORDERED that the Defendant shall be restrained with Legs Only shackles during the course of the trial.**

The Court provides notice to counsel that it preliminary grants the Government's Motion in Limine (ECF No. 77) regarding the August 13, 2023 incident.

The Court addresses the Defendant's request for preliminary instructions after the jury is sworn. The Court advises it does intend to give the 9th Circuit Model Instruction 1.1, as revised in May 2023.

Mr. Frey confirms the parties have reached stipulations with respect to the Government's Exhibit 4 and the Defendant's Exhibits 523A and 523B. Mr. Keenan confirms the agreement of the parties.

IT IS ORDERED that the Government's Exhibit 4 is received into evidence.

UNITED STATES OF AMERICA
vs.
GELASIO JOHNSON GUERRERO

September 19, 2023
Page 2 of 3

IT IS FURTHER ORDERED that the Defendant's Exhibits 523A and 523B are received into evidence.

IT IS FURTHER ORDERED that, pursuant to stipulations filed by the parties at ECF Nos. 55, 56, 57, and 62, the Government's Exhibits 1a, 2a, 3, and 20 are received into evidence.

Mr. Keenan states the Government will read the Government's stipulated Exhibits 1a, 2a, 3, and 20 into the record at the appropriate time.

The Court addresses the voir dire process.

The Court enforces the exclusionary rule for witnesses during the course of the trial and cautions counsel regarding exposing any witnesses to jurors in the public area.

At 8:53 a.m., the Court stands at recess.

At 8:58 a.m., 56 prospective jurors enter the courtroom.

The Court recites introductory remarks.

The voir dire oath is administered to all 56 jurors.

The Court presents introductory statements and introduces counsel. The Court further summarizes this action and the anticipated trial schedule.

Voir dire is conducted.

At 10:15 a.m., the Court stands at recess.

At 10:36 a.m., the Court reconvenes. All parties are present. All proposed jurors are present.

Voir dire continues.

The parties exercise peremptory challenges.

The Court thanks and excuses the remaining jurors.

The 13 jurors are impaneled and sworn.

At 12:32 p.m., the jury is admonished and excused for the lunch break. The Court stands at recess.

At 1:51 p.m., the Court reconvenes. All parties are present.

The jury enters the courtroom. All jurors are present.

UNITED STATES OF AMERICA
vs.
GELASIO JOHNSON GUERRERO

September 19, 2023
Page 3 of 3

The Court provides preliminary instructions to the jury.

On behalf of the Government, Ms. Brady presents opening statements.

On behalf of the Defendant, Mr. Frey presents opening statements. Defendant's admitted Exhibits 523A and 523B are broadcast to the jury.

At 2:25 p.m. a sidebar conference is conducted. Sidebar conference concludes at 2:29 p.m.

LEAH JIM, called on behalf of the Government, is sworn, examined on direct by Mr. Keenan, and excused.

IT IS ORDERED that the Government's Exhibit 23 is received into evidence.

MIRANDA JO QUINTERO, called on behalf of the Government, is sworn, examined on direct by Ms. Brady, cross-examined by Ms. Wilson, and excused.

ROMAN SALVADOR SANCHEZ, Sergeant, Walker River Tribal Police Department, called on behalf of the Government, is sworn, examined on direct by Mr. Keenan, cross-examined by Mr. Frey, examined on redirect by Mr. Keenan, and excused.

The Government's Exhibit 7 is received into evidence.

The Defendant's Exhibit 522 is received into evidence.

The Court advises the jury regarding the trial schedule. At 3:33 p.m., the jury is admonished and excused until Wednesday, September 20, 2023 at 9:00 a.m.

Outside the presence of the jury, the Court finalizes its ruling on the Government's Motion in Limine seeking exclusion of the August 2023 incident (ECF No. 77). **IT IS ORDERED that the Government's Motion in Limine (ECF No. 77) is GRANTED.** Ms. Wilson renews the Defense objection. The Court notes the objection.

The Court confirms the Government will retain custody of the Government's Exhibit 7.

IT IS ORDERED that Jury Trial (Day Two) is set for Wednesday, September 20, 2023 at 9:00 a.m. in Reno Courtroom 3 before Judge Larry R. Hicks. IT IS SO ORDERED.

The Defendant is remanded to custody.

At 3:34 p.m., the Court adjourns.

DEBRA K. KEMPI, CLERK

By: /s/ Paris Rich
Deputy Clerk